

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

Eon-Net, L.P.,

Plaintiff,

v.

Flagstar Bancorp,

Defendant.

CASE NO. C 05-2129 RSM

**STIPULATION AND ORDER OF
NON-INFRINGEMENT AND OF
DISMISSAL WITHOUT PREJUDICE
OF COUNTERCLAIMS AND
DEFENSES CONCERNING
INVALIDITY**

Plaintiff Eon-Net, L.P. (“Eon-Net”), by and through its counsel, and Defendant Flagstar Bancorp, Inc. (“Flagstar”), by and through its counsel, hereby stipulate to entry of a judgment of non-infringement by Flagstar of United States Patent Nos. 6,683,697, 7,075,673, and 7,184,162 (collectively “the Patents”), based on the Court’s Order on Claim Construction of March 4, 2009. This stipulation is made subject to Eon-Net’s reservation of its right to appeal the Court’s constructions of claim terms of the Patents.

Eon-Net and Flagstar, by and through their respective counsel, also hereby stipulate to the dismissal without prejudice of Flagstar’s counterclaims and defenses involving invalidity of the Patents. The stipulation of dismissal without prejudice is made subject to Flagstar’s reservation of its rights to reassert such counterclaims and defenses should Eon-Net’s infringement claim regarding the Patents be revived for any reason (including but not limited to modification of the Court’s claim constructions on appeal).

Further, should the Court’s *Markman* decision be altered on appeal, nothing herein shall be deemed an admission by Eon-Net that Flagstar is entitled to judgment of non-infringement based upon the altered claim construction of the claims.

Respectfully submitted, this 27th day of March, 2009.

DATED: March 27, 2009

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DATED: March 27, 2009

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SO ORDERED this 6 day of April, 2009.



RICARDO S. MARTINEZ
UNITED STATES DISTRICT JUDGE